

Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed. The party filing the case or removing it to this Court is responsible for serving all parties with the consent forms. Each party must file a completed consent form and certificate of service with the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand delivery upon all parties of record in the case.

Any party is free to withhold consent to magistrate judge jurisdiction without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en banc*)).

A review of the Court's file indicates that Defendant Homesite Indemnity Company filed a Notice of Removal on February 28, 2008.

Defendant shall have until **March 24, 2008**, within which to make its selection to either consent to magistrate judge jurisdiction or elect to proceed before a U. S. district judge. The Court's docket reflects the appropriate consent form was electronically transmitted to all counsel on February 28, 2008 by the Clerk's office.

Accordingly,

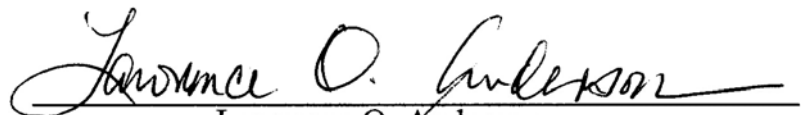
IT IS ORDERED that the Defendant Homesite Indemnity Company shall file on or before **March 24, 2008** its written election to either consent to magistrate judge jurisdiction or elect to proceed before a United States district judge.

¹The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page, then click on "forms" on the left side of the page and then click on and print the appropriate form.

1 **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed
2 before a magistrate judge or elect to proceed before a district judge by **March 24, 2008**.

3 **IT IS FURTHER ORDERED** that counsel and any party, if
4 unrepresented, shall hereinafter comply with the Rules of Practice for the United States
5 District Court for the District of Arizona, as amended on December 1, 2007. The
6 District's Rules of Practice may be found on the District Court's internet web page at
7 www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
8 fact that a party is acting pro se does not discharge this party's duties to "abide by the
9 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784
10 F.2d 1006, 1008 (9th Cir. 1986).

11 DATED this 4th day of March, 2008.

12
13 
14 Lawrence O. Anderson
 United States Magistrate Judge